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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,025	03/10/2004	Wataru Tazoe	503.43626X00	2138

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EXAMINER

EVANS, CHIVONNE LAURIE

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,025

Applicant(s)

TAZOE ET AL.

Examiner

Chivonne L. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 5,6 and 9,13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-13 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date : 7/27/04, 3/10/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the embodiment shown in Figure 1 (regarding claims 1-4,7,8 and 10-12) in the reply filed on October 7, 2005 is acknowledged. The traversal is on the ground(s) that Figures 11 and 12 were not considered separate species by the examiner. This is not found persuasive because although the applicant admits that Figure 11 and Figure 12 are in fact separate species, the applicant has chosen to argue on behalf of Figure 1, in which only the elected species will be examined. Claims 5, 6,9 and 13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/07/2005.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-8, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawrence et al (5911222). With regards to claims 1 and 10, Lawrence discloses a rectangular interface device (urine receptacle) which comprises an upper and lower edge (extending upwardly and downwardly) that connects a breathable coverstock body contacting surface (topsheet, with regards to claim 7), and an impervious bottom surface or shell 28, whereas a

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fibrous foam (absorbent material) is house therein between. Also with regards to claims 1 and 10, a leg bag (or urine tank whereas a tank is a vessel for holding gas or liquids, is connected to a duck valve 68 (second drainage means) which in turn is connected to t-shaped tubing (first drainage means). With respect to claims 1-4 and 10 and drain valve 69 is used to seal the bag or remove the liquid, a vacuum pump is used to create suction in the tubing (creating negative pressure in tubing) creating an airtight environment for the interface device, and a control means 64(urine sensor) is provided to detect when urine is present in the interface device which has a motor control that switches on to drain urine from the interface device via said tubing into the collection vessel. All of the above references can be found in (Column 8-Column 10, Line 9). With regards to claims 10-12, Lawrence discloses cut out areas (which create gathes) concave (slanted) in shape that conform to a patients leg to prevent leakage. (Column 5, line 16) With regards to claim 8 and 10-12, a cross-section of the interface device shaped like an omega or a U is shown in Figure 2a.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found on the PTO-892 Notice of Reference Cited form due to the large quantity of relevant art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chivonne L. Evans whose telephone number

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is 571-272-8686. The examiner can normally be reached on between 6:30-3:30, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Chivonne L Evans
Examiner
Art Unit 3761

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TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

